



Seattle Police Department
Office of the Compliance Coordinator

To: Merrick Bobb
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Seattle City Attorney's Office

Seattle Mayor's Office

From: Bob Scales
SPD Compliance Coordinator

Date: March 7, 2013

Subject: Development of Policies – Required by ¶183 of the Settlement Agreement

The City has reviewed the proposed Monitoring Plan developed by the Monitor and has been engaged in discussions and negotiations with the Monitor and DOJ regarding the terms, deadlines and framework of a Monitoring Plan. Those discussions are continuing and the City has not yet agreed to the proposed Monitoring Plan.

Under Paragraph 183 of the Settlement Agreement, if the Parties do not agree on a Monitoring Plan, all policies and procedures will be developed within 180 days of the Effective Date of the Settlement Agreement. The original deadline for the development of policies was February 25, 2013. The Parties obtained a stipulated order approving an extension of the deadline to March 7, 2013. This deadline has now been reached and the Monitoring Plan has not yet been agreed to by both Parties. Although the Settlement Agreement does not specifically state what the City is to do with the developed policies, the City is submitting all the developed policies and procedures required by the Settlement Agreement to the Monitor and DOJ for review. The Parties are scheduled to meet with the Monitor on March 11, 2013 to continue discussions regarding the proposed Monitoring Plan.

On January 31, 2013 the City submitted the Stops and Detentions policy and the Bias-Free Policing policy to DOJ and the Monitor for review. DOJ notified the City that they would like to begin discussing these policies during the week of March 11. The City has proposed to meet with DOJ and the Monitor on March 14, 2013, but the Monitor has suggested we meet on March 26th or 27th.

The Settlement Agreement calls for SPD to “revise, as necessary,” the Bias-Free Policing policy, “in conjunction with” the Community Police Commission. (SA ¶146). The City Council has not yet confirmed

the Mayor's nominees for the CPC, but we anticipate that the confirmation process will occur within the next two weeks. Once the CPC has had an opportunity to review and provide their recommendations on the Bias-Free Policing policy, it is very likely that additional revisions will be made. Therefore, the City is not asking the Monitor to approve the policy at this time.

The following policies are included with this memo:

1. Title 8 through 8.300 – Use of Force, Use of Force Reporting, Use of Force Investigations
2. 8.400 – Use of Force Review Board
3. 5.002 – Public and Internal Complaint Process (Addresses OPA Retaliation and Misconduct)
4. 3.070 – Performance Development Program (EIS)
5. 4.080 – Out of Classification
6. OPA Training and Operations Manual
7. Review of Policies on Reporting Misconduct

Below is a chart that summarizes all of the policies provided to the Monitor and DOJ for review and approval. The chart includes the relevant paragraphs of the Settlement Agreement that require these policies to be reviewed, revised or developed. The City looks forward to working with the Monitor and DOJ in a collaborative discussion and review of these policies prior to approval by the Monitor.

Subject	Type	Deliverable	Required Action by Settlement Agreement	Settlement Agreement Paragraph	Working With	Description	Submitted to the Monitor and DOJ for Review
Bias-Free Policing	Policy	Draft policy	Revise as necessary	146	In conjunction with CPC	Bias-Free Policing Draft Policy	1/31/2013
Stops and Detentions	Policy	Draft policy	Revise as necessary	139-141	CPC may make recommendations to the City on any changes to SPD policies, practices, or training	Stops and Detentions Draft Policy	1/31/2013
OPA	Policy	Review anti-retaliation policy	Revise as necessary	166	In consultation with OPA Auditor	Clarify that prohibited retaliation includes discouragement, intimidation, coercion, or adverse action against any person who reports misconduct, makes a misconduct complaint, or conducts or cooperates with an investigation of misconduct	2/13/2013
OPA	Policy	Revised Anti-Retaliation Policy based upon 2-13-13 Review		166		Revised Anti-Retaliation Policy based upon 2-13-13 Review	3/7/2013
OPA	Policy	Update Training and Operations Manual	Complete Update	167		Updated OPA Manual	3/7/2013
OPA	Policy	Clarify when and how officers must report misconduct	Revise as necessary	165		Clarify when and how officers must report misconduct	3/7/2013
Use of Force	Policy	UOF, Reporting and Investigations, Weapons Specific Draft policy	Revise as necessary	70, 71, 72, 74-83, 88, 91-125, 127		Use of Force Draft Policy	3/7/2013
Use of Force	Policy	UFC - Use of Force Committee	Revise as necessary	70-71, 119-125		Use of Force Committee Draft Policy	3/7/2013
EIS	Policy	Draft Policy	Revise	158-163		EIS Draft Policy	3/7/2013
Supervision	Policy	Draft Policy	Draft policy	155		Acting Sergeant Training Policy	3/7/2013